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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,652	07/13/2001	Hiroshi Isono	110087	8225

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EXAMINER

BURCH, MELODY M

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/903,652

Applicant(s)

ISONO, HIROSHI

Examiner

Melody M. Burch

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 5,8,9,12-14 and 18-29 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 is/are allowed.
- 6) ☒ Claim(s) 1,10,11,15 and 16 is/are rejected.
- 7) ☒ Claim(s) 2,3,6,7 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation of the rear pressure chamber having a smaller one of the two pressure-receiving surface areas first claimed in line 4 from the bottom of claim 2 and also claimed in claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. From figure 1 it appears that the rear pressure chamber 30 has the larger pressure-receiving surface compared to the pressure-receiving surface adjacent to pressure chamber 26.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: elements  $A_{m1}$  and  $A_{m3}$ . A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1, 10, 11, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 4838619 to Ocirk.

Re: claims 1, 10, 11, 15, and 16. Ocirk shows in figure 1 a braking system comprising: a power-operated hydraulic pressure source 34 operable to deliver a pressurized working fluid; a brake shown in the area of element HR including a hydraulically operated brake cylinder 20, a manually operable brake operating member 3, a master cylinder 1 disposed between the power-operated hydraulic pressure source and the brake cylinder and operable to deliver the pressurized working fluid into the brake cylinder, in response to an operation of the manually operable brake operating member (by virtue of the closing of valve 39 which is comparable to the closing of valve 90 in figure 1 of the instant application), and a flow rate changing device 36,39,1,16 disposed between the power-operated hydraulic pressure source and the brake cylinder and including the master cylinder 1, the flow-rate changing device being operable to change a rate of flow of the pressurized working fluid from the master cylinder into the brake cylinder, which rate corresponds to a given rate at which the pressurized working

Art Unit: 3683

fluid is delivered into the master cylinder as a result of an operation of the power-operated hydraulic pressure source.

***Allowable Subject Matter***

6. Claim 4 is allowed. Pressurized fluid cannot be delivered from the hydraulic pressure source into chamber 23 which corresponds to the rear pressure chamber (as required by one of the states of the switching device recited in claim 4) since chamber 23 is not communicated with the pump.

7. Claims 2, 3, 6, 7, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Pressurized fluid cannot be delivered from the hydraulic pressure source into chamber 23 which corresponds to the rear pressure chamber (as required by one of the states of the switching device recited in claim 2) since chamber 23 is not communicated with the pump.

***Response to Arguments***

8. The arguments filed 4/8/03 regarding the 102 rejection of claim 1 have been considered but are not persuasive. Applicant argues that the master cylinder of Ocirk does not constitute any part of a flow-rate changing device. Applicant describes in paragraph [0124] of the instant application that the rear pressure chamber 30 of the master cylinder 10 and the state of a valve 90 play a major role in affecting the rate of pressurized fluid flow from the master cylinder into the brake cylinder. For example, the instant application describes a braking system comprising a valve 90 which has a

Art Unit: 3683

closed state that prevents pressure from escaping the rear pressure chamber 30 of the master cylinder 10 resulting in the rate of flow of pressurized fluid from the master cylinder to the wheel brake cylinders being comparatively high as disclosed in the last two lines of paragraph [0124]. Examiner notes that since Ocvirk shows in figure 1 a similar braking system comprising a valve 39 which has a closed state that prevents pressure from escaping the rear pressure chamber 23 of the master cylinder 1 as disclosed in col. 6 lines 23-25, the Ocvirk braking system possesses the claimed flow-rate changing qualities to the same extent as Applicant's braking system. It is further noted that the rear pressure chamber 23 of the master cylinder 1 constitutes a part of the flow-rate changing device of Ocvirk to the same extent as the rear pressure chamber 30 of the master cylinder 10 constitutes a part of the flow-rate changing device of the instant application.

9. Applicant's arguments, see pages 12-14, filed 4/8/03, with respect to claim 2 have been fully considered and are persuasive. The 102 rejection of claim 2 has been withdrawn. Examiner agrees that pressurized fluid cannot be delivered from the hydraulic pressure source into chamber 23 which corresponds to the rear pressure chamber recited in claim 2 since chamber 23 is not communicated with the pump.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3683


TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

mmb 6/20/03  
mmb  
June 20, 2003

  
JACK LAVINDER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600